

Decision Memo

Shush Kin Fen Riparian Project

USDA Forest Service
Cibola National Forest and National Grasslands
Mt. Taylor Ranger District
Cibola County, New Mexico



I. DECISION TO BE IMPLEMENTED

A. Description of Decision

My decision is to proceed with implementation of the activities associated with the Shush Kin Fen Riparian Project on the Mt. Taylor Ranger District. The project area is located within the Agua Fria livestock grazing allotment, which is grazed from May 1st to October 31st, and allows 170 cow/calves on 36,185 acres of land. The allotment has limited water sources. The Shush Kin Histosol Fen has historically been a water source for the allotment

and the surrounding area. A fen, composed of organic material, mostly contains soils commonly called bogs, moors, peatlands, muskegs, fens, or peats and mucks. These features occur in wet areas, where most of the soil is saturated year-round. The fen is a unique resource and an important component of the allotment and surrounding area. Other water sources include a small creek (tributary to Bluewater Creek) and stock ponds that rely on precipitation from rain and snow runoff. Two Regional Forester Sensitive species occur in the project area - the Rio Grande sucker and Rio Grande Chub.

Existing Conditions

Heavy grazing by ungulates has caused the Shush Kin Fen to become hummocked (formation of small mounds due to excessive grazing) and it is losing much of the characteristics typically associated with this type of feature. Rather than a large floating mat of vegetation covering a saturated soil, much of the feature now has mineral soil exposed, has lost much of the wetland vegetation usually found there, and has become much drier along the outside edges of the fen, causing it to shrink. A fence was built around the fen several years ago, but it currently needs replacement, and its poor condition has allowed ungulates to over-utilized the area.

The condition of the fences has reduced the ability of the permittee to manage livestock in the area. Plans to repair the fence are moving forward as part of the allotment management plan. Grazing by all ungulates along the creek banks in the project area has resulted in the loss or reduced occurrence of beneficial riparian-obligate species such as sedges and willows, which in turn has caused the widening and weakening of the stream channel and the degradation of habitat needed for the Rio Grande sucker and Rio Grande Chub, as well as decreased floodwater retention. Additionally, two head cuts (abrupt steps in the channel profile) will likely continue moving upstream, resulting in further incision of the stream channel.

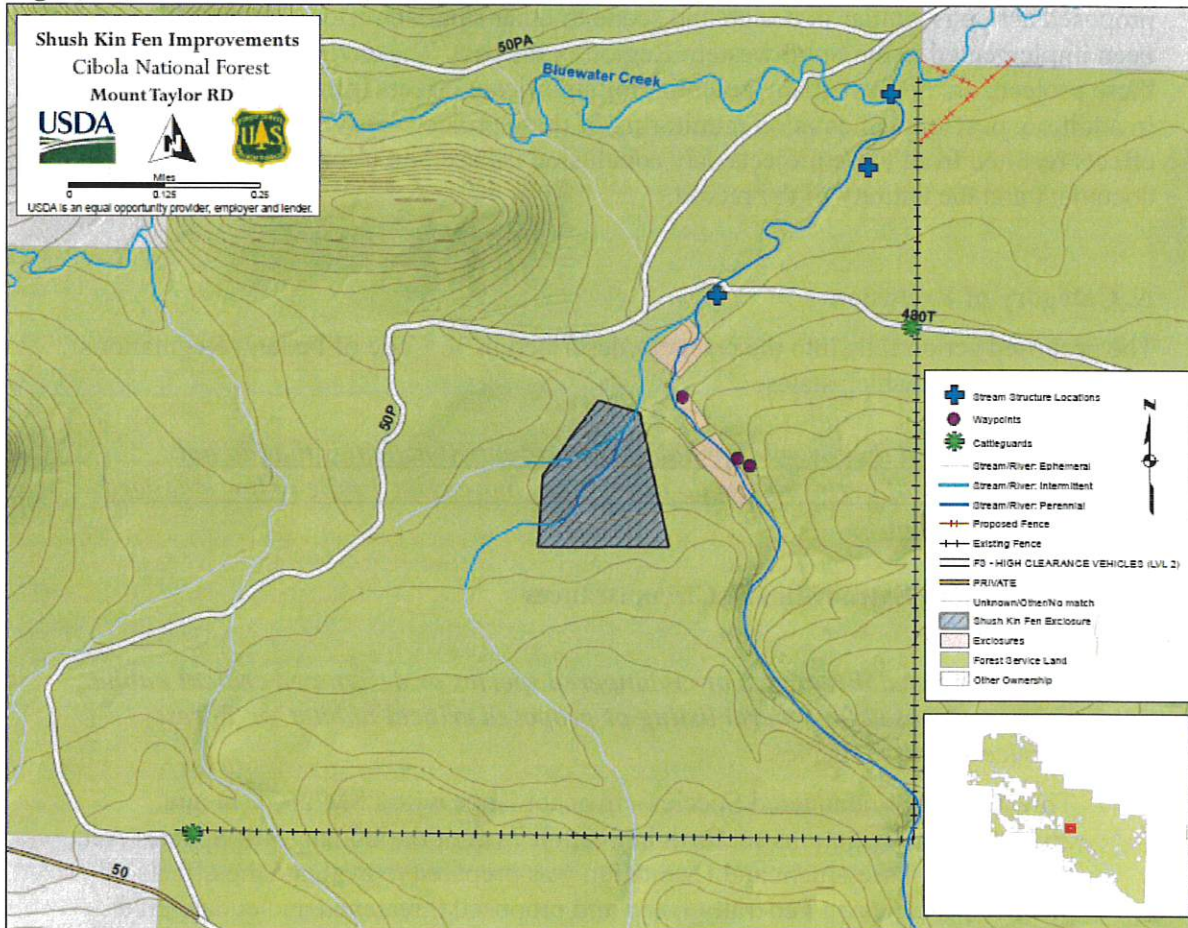
Proposed Action

The Mt. Taylor Ranger District proposes the following actions:

- The construction of three small riparian exclosures totaling approximately 1.25 acres along a small tributary of Bluewater Creek near the Shush Kin Fen (Figure 1). The type of fence constructed will be barbed wire, wire mesh, pipe, pipe and cable, or a fence type of similar design and will be built tall enough to exclude livestock.
- Construction of an exclosure entirely encompassing the Shush Kin Histosol Fen for protection of this feature from ungulate grazing.
- New construction of one mile of barbed wire fence, added to the existing pasture fence.
- The installation of piezometers and water quality monitoring equipment to measure quality and quantity of groundwater. Piezometers will be mostly concentrated within and immediately surrounding the fen, along creek banks, riparian areas, and in the upland areas.
- Construction of in-stream structures, such as rock dams, beaver dam analogs, log structures, or other similar structures within the stream channel.

- Two cattle guards to exclude livestock from riparian habitat at times of the year when not authorized to graze there.

Figure 1



B. Purpose of the Decision

The Shush Kin Fen Riparian Project will allow for and promote recovery of the Shush Ken Histosol Fen, the improvement of riparian characteristics in the headwaters of Bluewater creek, improvement of habitat for Rio Grande sucker (*Catostomus plebeius*) and the Rio Grande chub (*Gila pandora*).

II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories that have been identified by the U.S. Department of Agriculture in 7 Code of Federal Regulations (CFR) part 1b. 3 or one of the categories identified in 36 CFR 220.6 (d) and (e), and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

It is my conclusion that this decision can be appropriately categorically excluded from documentation in an environmental impact statement or environmental assessment as it is a routine activity within a category of exclusion and there are no extraordinary circumstances related to the decision. These actions are also in compliance with the 1985 Forest Plan. The proposed action is similar in design and scope to other riparian restoration projects that have been implemented in the Southwestern Region in the past. The environmental analyses for these projects did not reveal any potential for significant effects from the proposed activities. In addition, post-implementation monitoring of these projects has verified that no adverse effects resulted from these projects. My conclusion is based on information presented in this document and the entirety of the record.

A. Category of Exclusion

The proposed action falls into the category described in 36 Code of Federal Regulations (CFR) 220.6(3)(6), which states:

(6) Timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than 1 mile of low standard road construction.

B. Relationship to Extraordinary Circumstances

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for federal listing or proposed critical habitat, or Forest Service sensitive species.

Threatened or Endangered Species - In accordance with FSM 2671.44 and 2672.42, and regulations set forth in Section 7 (a) of the Endangered Species Act, a Biological Assessment and Evaluation was prepared to evaluate the effects of planned activities on Federally listed and proposed threatened and endangered (T&E) species, and Forest Service sensitive species. This report states that the proposed action will have no effects to any of the species present. Formal consultation or concurrence with the US Fish and Wildlife Service is not required.

2. Flood plains, wetlands, or municipal watersheds

Flood plains: Several of the watercourses and their associated floodplains in the area of the proposed project are within the treatment area. The proposed activities will improve the functioning of these features by restoring important functions. The natural and beneficial values of floodplains in this area include the dissipation of stream energies associated with high flows, filtering sediment, providing for groundwater recharge, protection of streambanks, and to provide habitat for diverse species.

Wetlands: Shush Kin Fen, an important wetland in the Zuni Mountains. The proposed activities will improve the fen and move it towards recovery. This will

restore wetland functions, including its ability to recharge the stream below it that supports important fish species.

Municipal watersheds: No officially-designated municipal watersheds, surface water, and public water supply sources are within or adjacent to the project area. Public water supplies in the area use groundwater from wells as their source of water, these wells are not within the project area. The proposed actions will not affect the groundwater that these wells utilize.

3. *Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas.*

This project is not within or adjacent to a Congressionally-designated area such as a wilderness, wilderness study area, or National Recreation Area. Research natural areas – None of these areas are present on the Mount Taylor Ranger District.

4. *Inventoried roadless areas.*

This project is not within or adjacent to inventoried roadless areas.

5. *Research Natural Areas.*

This project is not within or adjacent to a Research Natural Area.

6. *American Indians and Alaska Native religious or cultural sites*

Tribal Consultation: The Cibola NF consults with seven American Indian Tribes and thirteen chapters of the Navajo Nation regarding proposed projects and management activities on the Mt. Taylor Ranger District. Consultation pursuant to Section 106 of the National Historic Preservation Act and NEPA was initiated on August 1, 2019.

7. *Archaeological sites, or historic properties or areas*

The installation of the piezometers, in-stream structures, and exclosure fences are undertakings that do not have the potential to affect historic properties, in accordance with Appendix A.II.E and A.II.L, and Appendix G.2.C of the Forest Service's Region 3 First Amended Programmatic Agreement with the New Mexico State Historic Preservation Officer (NMSHPO) and the Advisory Council on Historic Preservation (R3 PA; 36CFR 800.14 substitution agreement). The construction and reconstruction of the pasture fences, and the installation of the cattle guards, will not adversely affect historic properties. Historic properties will be avoided by these undertakings, or where not avoided, will be monitored by Forest Service Heritage personnel to ensure that construction, reconstruction, and installation activities will not adversely affect them. In accordance with Stipulation V of the R3 PA, the Cibola has consulted with the NMSHPO regarding its determination of no adverse effect to historic properties from the fence construction and reconstruction, and cattle guard installation. The NMSHPO concurred with the Cibola's finding of no adverse effect on August 23, 2021.

III. PUBLIC INVOLVEMENT

The proposal provided to the public and other agencies for comment during scoping from August 1, 2019 through September 2, 2019. The scoping letter, sent to the standard district mailing list with separate letters going to the seven tribes and eleven Navajo Chapters that the Mount Taylor Ranger District regularly consults with. Two responses have been received, in which the concerns were to be involved as the project moves forward, or if additional arch sites are located, discontinue the project and consult with State Historic and Preservation Office.

IV. FINDINGS REQUIRED BY AND/OR RELATED TO OTHER LAWS AND REGULATIONS

This decision consistent with the management direction, including standards and guidelines, in the *1985 Amended Land and Resource Management Plan for the Cibola National Forest*, which was developed in accordance with the National Forest Management Act of 1976. This decision consistent with the Federal Clean Water Act (1972), Clean Air Act (1977), and the National Historic Preservation Act (1966). This action does not result in environmental justice issues, as defined in Executive Order 12898.

A review of migratory birds which may occur in the Southern Rockies/Colorado Plateau Conservation Region was completed. Several bird species are likely to occur in the project area, but no impacts are expected to any of those birds as a result of implementing this project.

I have considered the best available science in making this decision. The project record demonstrates a thorough review of relevant scientific information, consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. I have considered the effect of this project on climate change, as well as the effect of climate change on this project. Any resulting greenhouse gas emission would not be measurable on a global scale.

V. ADMINISTRATIVE REVIEW

This decision is not subject to notice, comment, or appeal. As a result of the President signing into law the Consolidated Appropriations Act of 2014 (Pub. L. No. 113-76) and the Agricultural Act of 2014 (Farm Bill) (Pub. L. No. 113-79), the Forest Service will no longer offer notice, comment, and appeal opportunities pursuant to 36 CFR 215 for categorically excluded projects.

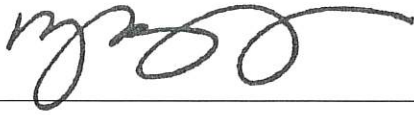
VI. IMPLEMENTATION DATE

Implementation of this project may begin immediately.

VII. CONTACT PERSON

For additional information concerning this decision or the Forest Service appeal process, contact Consuelo LeMaire Wildlife Biologist, Mt. Taylor Ranger District, Cibola National Forest 1800 Lobo Canyon Rd, Grants, NM 87020. 505-287-8833.

Signature and Date



Date 08/26/2021

Yolynda Begay
District Ranger
Mt. Taylor Ranger District
Responsible Official

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